

**FORTY-FOURTH DAY**

(Monday, April 4, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Lane, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 31, was dispensed with and the Journal approved.

**Reports of Standing Committees**

Senator Shofner submitted the following report:

Austin, Texas,  
April 4, 1949.

Hon. Allan Shivers, President of the Senate:

Sir: We, your Committee on Interstate Cooperation, to whom was referred Senate Bill 164, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SHOFNER, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,  
April 4, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Military and Veterans Affairs, to whom was referred S. B. No. 433, have had

the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

KELLEY of Hidalgo, Chairman.

**Senate Bill 436 on First Reading**

Senator Strauss moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Cousins	Moore
Hudson	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Strauss:

S. B. No. 436, A bill to be entitled "An Act amending Section 2 of Chapter 163, Acts 1931, 42nd Legislature, as amended by Chapter 173, page 283, Acts 1947, 50th Legislature, Regular Session; and validating, ratifying, confirming and approving certain contracts, scrip and time warrants authorized by counties and cities of this State since the approval by the Governor of Texas of said Chapter 173, upon specified conditions, repealing all general and special laws in conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

**Senate Bill 437 on First Reading**

By unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Kelley of Hidalgo:

S. B. No. 437, A bill to be entitled, "An Act creating an establishing Hidalgo County Road District Number 11 in Hidalgo County, Texas, under Article III, Section 52 of the Constitution of Texas, for the purpose of the construction, operation, and maintenance of macadamized, graveled, or paved roads or turnpikes, or in aid thereof; describing the territory included therein; making the district a body corporate with authority to sue and be sued; authorizing the district to issue bonds upon two-thirds (2/3) vote of the property taxpaying voters voting at an election; prescribing the method of calling and conducting such election, and the method of issuing said bonds; directing the levy, assessment, and collection of a tax for the payment of principal and interest of said bonds; providing for the custody and disbursement of the funds of the district; providing that in awarding contracts for road construction the Commissioners' Court shall advertise for bids and shall award the contract to the lowest and best bidder; providing that the fact that a portion of the District hereby created is also included in another Road District having outstanding bonds shall not affect the District hereby created or its powers hereby granted; determining that all of the lands in said District shall be benefited by additional road improvements; providing that the provisions of this Act shall prevail in the event of conflict with any other General or Special Laws; providing that if any provision hereof is held to be invalid such holding shall not affect the other provisions hereof; and declaring an emergency."

To Committee on Counties and County Boundaries.

#### Senate Resolution 105

Senator Kelley of Hidalgo offered the following resolution:

Whereas, The President of the United States of America has proclaimed April 6, 1949, as Army Day and has called upon all citizens everywhere for an appropriate tribute to our Nation's defenders; and

Whereas, The Army of the United States has for its mission the protection of the right of the people of the United States to live in a free democracy and has preserved the liberty of

our beloved country against all aggressors; and

Whereas, The soldiers of our Army are engaged in the task of building a firm, lasting security for all people who have suffered the tragedy of aggression and stand today as a powerful bulwark against aggressor nations around the globe; now, therefore, be it

Resolved, By the Senate of Texas, that the people of this State be urged to observe Army Day, April 6, 1949, in an appropriate manner, mindful of the fact that our Army can accomplish its mission, both at home and abroad, only with the constant awareness and generous support of our people, and that Army Day also be dedicated to those heroic soldiers who gave their lives to establish a peaceful America that must remain strong if it is to preserve its heritage.

The resolution was read and was adopted.

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1949.

Hon. Allan Shivers, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 64 and has requested the appointment of a Conference Committee to consider the differences between the two houses, and appointed the following Conference Committee:

Presnal, Rampy, Graham, Briscoe, Senterfitt.

S. C. R. No. 35, Relative to Joint Session of the Legislature to hear the Right Honorable Winston Churchill, Prime Minister of Great Britain, etc.

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Senate Concurrent Resolution 37

Senator Kelley of Hidalgo offered the following resolution:

S. C. R. No. 37, Naming port in

Willacy County "Port Mansfield" in honor of Congressman Joseph J. Mansfield.

Whereas, The extent of the construction and development of the Port on Red Fish Bay in the Laguna Madre, has progressed to such an extent that the Port is now assured, and it is proper and important that a name be selected and adopted for the Port; and

Whereas, The historical background of this area is rich in colorful and prominent personalities, important landmarks, and old historical names; and

Whereas, Many names for the Port have been considered from a wealth of possibilities; and

Whereas, Of the many names of colorful and prominent personalities, early settlers, old and prominent historical landmarks, the personality and fruitful labors of the one person most responsible for the development of the Intracoastal Canal stand out far and above all others; and

Whereas, The Intracoastal Canal is now an accomplished fact after many years of work and planning, being first proposed in a report of the Army Engineers to Congress in 1875, 74 years ago; and for the past forty-four years, the Intracoastal Canal Association of Louisiana and Texas, founded August 8th, 1905, has been sponsoring the project "from the Mississippi to the Rio Grande," reflecting such personalities with outstanding contributions as Clarence S. E. Holland, General George W. Goethals of Panama Canal fame, Roy Miller, J. S. Cullinan, Hon. John N. Garner, Hon. Tom Connally, and many, many others; and

Whereas, The Intracoastal Canal was built by the U. S. Government, and its development was dependent almost entirely upon the leadership of men of courage, vision and tenacity, and among the many men that contributed to its success, one man stands out in front of all others; Joseph J. Mansfield, a member of Congress for thirty years, a member of the Rivers and Harbors Committee since its organization in 1883; Chairman of the Rivers and Harbors Committee for many years; author of the "Mansfield Bill," which authorized the extension and completion of the Intracoastal Canal from Corpus Christi to the Rio Grande, and which further authorized the enlargement not only of the Intra-

coastal Canal but of the entire Gulf Intracoastal Waterways from the West Coast of Florida to Corpus Christi, Texas; Joseph J. Mansfield, now deceased, a Texan since 1881, a resident of Colorado County, and a member of the Congress from March 4th, 1917, until July 12th, 1947, worked long and hard to bring the Intracoastal Canal to completion; now, therefore, be it

Resolved, That the Port located at or near the old Red Fish Bay Landing on Red Fish Bay, in the Laguna Madre, Willacy County, Texas, be named Port Mansfield, in honor of Joseph J. Mansfield, who has personally contributed so much to the successful completion of the Intracoastal Canal, and that from henceforth the name is and will be PORT MANSFIELD.

The resolution was read.

On motion of Senator Kelley of Hidalgo, and by unanimous consent, the resolution was considered immediately and was adopted.

#### Senate Bill 387 Set as Special Order

Senator Hardeman moved that Senate Bill No. 387 be set as a special order for April 11, 1949, immediately following the morning call.

The motion prevailed by the following votes:

#### Yeas—27

Aikin	Martin
Ashley	McDonald
Bell	Moffett
Bracewell	Moore
Bullock	Morris
Carney	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lock	

#### Absent

Colson	Jones
Cousins	Lane

#### Senate Bill 315 Set as Special Order

On motion of Senator Hudson, and by unanimous consent, Senate Bill No. 315 was set as a special order for

Friday, April 8, 1949, immediately following the morning call.

**Senate Bill 92 Set as Special Order**

Senator Morris moved that Senate Bill No. 92 be set as a special order for Monday, April 11, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Aikin	Kelley of Hidalgo
Ashley	Lane
Bell	Lock
Bullock	McDonald
Carney	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Taylor
Hudson	Vick

Nays—6

Bracewell	Moore
Kelley of Tarrant	Strauss
Martin	Weinert

Absent

Colson	Tynan
Jones	

**Senate Bill 316 Set as Special Order**

Senator Proffer moved that Senate Bill No. 316 be set as a special order for Tuesday, April 12, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Hardeman	Proffer
Harris	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Tarrant	Vick
Lane	Weinert

Absent

Bullock	Kelley of Hidalgo
Cousins	Tynan
Hazlewood	

**Conference Committee on House Bill 64**

Senator Hardeman called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 64 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators Aikin, Moffett, Hardeman, Hudson and Taylor.

**House Bill 130 Set as Special Order**

Senator Kelly of Tarrant moved that House Bill No. 130 be set as a special order for Wednesday, April 6, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelley of Tarrant	Weinert
Lane	

Absent

Hazlewood	Hudson
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**House Bill 339 Set as Special Order**

Senator Vick moved that House Bill No. 339 be set as a special order for Wednesday, April 6, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Aikin	Bracewell
Ashley	Carney
Bell	Colson

Cousins	McDonald
Hardeman	Moore
Harris	Morris
Hazlewood	Phillips
Hudson	Proffer
Jones	Tynan
Kelley of Hidalgo	Vick
Lock	Weinert

## Nays—7

Corbin	Moffett
Kelly of Tarrant	Strauss
Lane	Taylor
Martin	

## Absent

Bullock	Shofner
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## Senate Resolution 106

Senator Hardeman offered the following resolution:

Whereas, The members of the City Commission of Mason, Texas, as well as several other officials and citizens of Mason, Texas, are visitors in Austin today; and

Whereas, They are visitors in the Capitol and are in the Senate gallery; be it

Resolved, By the Senate, that these officials and citizens of Mason be extended a welcome to the Capitol and that the greetings of the Senate be extended them.

The resolution was read and was adopted.

## Senate Resolution 107

Senator Proffer offered the following resolution:

Whereas, We are honored today with the presence of the Honorable Ed Gossett, Congressman of the Thirteenth Congressional District of Texas; and

Whereas, The Honorable Ed Gossett is one of the stronger and older members in the point of service of our Texas delegation in the National Congress; and

Whereas, He has demonstrated on many occasions his ability, statesmanship, and fine leadership qualities; now, therefore, be it

Resolved, That the Senate of Texas officially recognize Congressman Gossett and extend to him a most cordial welcome; and, be it further

Resolved, That he be invited to address the Senate briefly and be extend-

ed the privileges of the floor for the day.

**PROFFER  
MOFFETT  
JONES**

The resolution was read and was adopted.

Accordingly, the President appointed Senators Proffer, Jones and Moffett as a committee to escort Honorable Ed Gossett to the President's stand.

The President presented Senator Proffer who introduced Congressman Gossett to the Senate.

Congressman Gossett then addressed the Senate briefly and thanked them for the honor bestowed upon him.

## House Bill 467 Set as Special Order

Senator Cousins moved that House Bill No. 467 be set as a special order for Thursday, April 7, 1949, immediately following the morning call.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelley of Hidalgo	

## Nays—2

Lock	Martin
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## Senate Bill 5 With House Amendments

Senator Kelley of Hidalgo called S. B. No. 5 from the President's table for consideration of the House amendments to the bill.

The amendments having been read on Monday, March 28, 1949, and on that day printed in the Journal.

Senator Kelley of Hidalgo moved

that the Senate concur in the House amendments to the bill.

The motion prevailed by the following vote:

**Yeas—31**

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert
Kelly of Tarrant	

**Senate Resolution 108**

Senator Moore offered the following resolution:

Whereas, The Senate is honored today to have present the Civics Class of Bastrop High School accompanied by their sponsor, Mr. C. D. Campbell.

Whereas, The Senate is always glad to have the citizens of the State visit the Senate Chamber; now, therefore, be it

Resolved, By the Senate that it extend its cordial greetings to the class and its sponsor and that the class and its sponsor be welcomed to the capitol.

The resolution was read and was adopted.

**Senate Bill 8 With House Amendments**

Senator Kelley of Hidalgo called S. B. No. 8 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Kelley of Hidalgo moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Bell
Ashley	Bullock

Carney	Martin
Colson	McDonald
Corbin	Moffett
Cousins	Moore
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Kelly of Tarrant	Vick
Lane	Weinert
Lock	

**Absent**

Bracewell	Tynan
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**Senate Bill 75 With House Amendments**

Senator Moffett called S. B. No. 75 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Moffett moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert
Lane	

**Absent**

Cousins	Hudson
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**Resolution Signed**

The President signed in the presence of the Senate after giving due notice thereof, the following resolution:

S. C. R. 35, Inviting Honorable Winston Churchill to address a Joint Session of the Legislature.

**House Resolutions on First Reading**

The following resolutions, received from the House, were read first time and referred to the committees indicated:

H. J. R. No. 15, to Committee on Constitutional Amendments.

H. J. R. No. 19, to Committee on Constitutional Amendments.

H. J. R. No. 22, to Committee on Constitutional Amendments.

H. C. R. No. 22, to Committee on Military and Veterans Affairs.

H. C. R. No. 55, to Committee on Rules.

H. C. R. No. 18, to Committee on Oil, Gas and Conservation.

H. C. R. No. 46, to Committee on Oil, Gas and Conservation.

**Message From the Governor**

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,  
March 30, 1949.

To the Members of the 51st  
Legislature:

The Confederate Pension Fund had a balance of \$2,946,844.82 on August 31, 1948, and this will probably grow to \$3,200,000 by the end of the present fiscal year.

The annual income from the two cent ad valorem tax for this purpose is \$904,593.00.

The expenditure for these pensions last year was \$643,205.60.

As the number of pensioners decreases, this expenditure will naturally decrease. If the Legislature takes favorable action on a pending bill to raise the amount of the pensions given Confederate veterans and their widows, we can still probably take care of the outlay with approximately the same amount of money as now paid.

(Incidentally, I think the Confederate pensions might well be raised as suggested.)

There are now in the State of Texas six Confederate veterans and 891 widows of Confederate veterans.

Naturally, we shall want to take care of them generously, recognizing with all pride and appreciation the

splendid cause which they represent.

Full pensions—even at much increased rates—can be paid for at least five years with the balance now on hand in the Confederate Pension Fund.

I, therefore, propose that the Legislature now consider the desirability of reducing to zero until January 1, 1953, the tax levied for Confederate pensions and that after January 1, 1953, authority be vested in the Automatic Tax Board to levy such part of the two-cent rate now allowed by the Constitution as may be required to raise funds to pay generous pensions to such Confederate veterans and the widows of Confederate veterans who may then remain.

This plan will provide fully for our beloved Confederate veterans and Confederate widows, and will as the same time save the ad valorem tax payers of the State almost a million dollars a year.

Under the authority of Section 5, of Article III of the Constitution, I submit this matter and the bills designed to carry out this plan as subjects for emergency legislation.

Respectfully submitted,

BEAUFORD H. JESTER,  
Governor of Texas.

**Committee Substitute Senate Bill 71  
on Passage to Engrossment**

The President laid before the Senate as the unfinished special order for this hour, on its passage to engrossment:

C. S. S. B. No. 71, A bill to be entitled "An Act to amend Acts of the 50th Legislature, page 550, Chapter 325, providing a Civil Service System for firemen and policemen in all cities having a population of ten thousand (10,000) inhabitants or more; requiring and regulating competitive examinations and classification of applicants for classification and employment as firemen or policemen; regulating such employments; providing a repealing and savings clause; and declaring an emergency."

The bill having been read second time and amended on Tuesday, March 29, 1949.

Question—Shall the bill be passed to engrossment?

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend S. B. No. 71, Senate Com-

mittee Substitute, by adding a new section to be numbered "Section 5a" and to read as follows:

"Section 5a. The provisions of House Bill No. 34, Acts of 1947, 50th Legislature, page 550, Chapter 325, shall not apply to any City in this State having a population of forty thousand (40,000) or less inhabitants, according to the 1940 Federal Census; and any part or parts of said Act in conflict herewith are hereby repealed."

(Senator Lane in the Chair.)

Senator Vick moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19

Aikin	Lock
Ashley	McDonald
Bell	Moore
Bullock	Morris
Carney	Phillips
Colson	Proffer
Cousins	Shofner
Hazlewood	Strauss
Jones	Vick
Kelly of Tarrant	

Nays—8

Bracewell	Martin
Corbin	Moffett
Kelley of Hidalgo	Taylor
Lane	Tynan

Absent

Hardeman	Hudson
Harris	Weinert

Senator Martin offered the following amendment to the bill:

Amend Senate Bill No. 71, Committee Substitute, by adding a new section to be known as "Section 6a" following the end of Section 6 on page 4 of the printed bill, which shall read as follows:

"Section 6a. Section 25 of House Bill 34, Acts of 1947, 50th Legislature, page 550, Chapter 325 is hereby repealed."

Senator Vick moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—13

Aikin	Phillips
Carney	Proffer
Hardeman	Shofner
Harris	Taylor
Hazlewood	Tynan
Jones	Vick
Morris	

Nays—15

Ashley	Lane
Bracewell	Lock
Bullock	Martin
Corbin	McDonald
Cousins	Moffett
Hudson	Moore
Kelley of Hidalgo	Strauss
Kelly of Tarrant	

Absent

Bell	Weinert
Colson	

Question then recurring on the amendment, it was adopted.

Question—Shall the bill be passed to engrossment?

Recess

Senator Hudson moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Senator Moffett moved that the Senate recess to 2:30 o'clock p.m. today.

Question first recurring on the motion of Senator Hudson, it was lost by the following vote:

Yeas—8

Ashley	Lane
Bell	Lock
Hardeman	Martin
Hudson	McDonald

Nays—22

Aikin	Kelly of Tarrant
Bracewell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Corbin	Proffer
Cousins	Shofner
Harris	Strauss
Hazlewood	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick



## Absent

Weinert

Question then recurring on the motion of Senator Moffett, it prevailed.

The Senate, accordingly, at 12:10 o'clock p.m., took recess to 2:30 o'clock p.m. today.

## Afternoon Session

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

## Committee Substitute Senate Bill 71 on Passage to Engrossment

The Senate resumed consideration of pending business, same being C. S. S. B. No. 71 on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

Senator Kelley of Hidalgo offered the following amendment to the bill:

Amend C. S. S. B. No. 71 by adding a new section to be numbered "Section 5B" to read as follows:

Section 5B. The provisions of House Bill 34, Acts of 1947, 50th Legislature, page 550, Chapter 325, shall not apply to any city located in any of the following counties: Webb, Hidalgo, Cameron, Willacy, Jim Wells, Kleberg, Nueces."

Senator Vick moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—21

Aikin	McDonald
Ashley	Moffett
Bracewell	Morris
Bullock	Phillips
Carney	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick
Jones	Weinert
Kelly of Tarrant	

## Nays—8

Bell	Lane
Corbin	Lock
Hudson	Martin
Kelley of Hidalgo	Taylor

## Absent

Colson

Moore

Senator McDonald offered the following amendment to the bill:

Amend Section 4 of the Committee Substitute for Senate Bill 71 by striking out the second paragraph thereof, being lines 41, 42, 43 and 44, page 2 of the printed bill, and insert in lieu thereof the following:

"Section 14. The Commission shall make rules and regulations governing promotions and shall hold promotional examinations to provide eligibility lists for each classification in the Police and Fire Departments, which examinations shall be held substantially under the following requirements:"

## Motion to Adjourn

Senator Hardeman moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—11

Ashley	Kelly of Tarrant
Bell	Lane
Corbin	Lock
Cousins	Martin
Hardeman	McDonald
Hazlewood	

## Nays—17

Aikin	Bullock
Bracewell	Carney
Harris	Proffer
Hudson	Shofner
Jones	Strauss
Kelley of Hidalgo	Taylor
Moffett	Tynan
Moore	Vick
Phillips	

## Absent

Colson  
Morris

Weinert

Senator Vick moved to table the amendment.

The motion to table was lost by the following vote:

## Yeas—13

Aikin	Carney
Bullock	Cousins

Hardeman	Shofner
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Phillips	

## Nays—15

Ashley	Lock
Bell	Martin
Bracewell	McDonald
Corbin	Moffett
Hudson	Moore
Kelley of Hidalgo	Proffer
Kelly of Tarrant	Taylor
Lane	

## Absent

Colson	Weinert
Morris	

Question recurring on the amendment, it was adopted.

Senator Hudson offered the following amendment to the bill:

Amend Committee Substitute for Senate Bill 71 by adding the following sentence immediately preceding the emergency clause: "Nothing herein contained shall apply to counties having a population of more than 100,000 and less than 140,000 according to last Federal Census."

Senator Vick moved to table the amendment.

The motion to table prevailed by the following vote:

## Yeas—20

Aikin	Jones
Ashley	Kelly of Tarrant
Bell	Moore
Bracewell	Morris
Bullock	Phillips
Carney	Proffer
Colson	Shofner
Hardeman	Strauss
Harris	Tynan
Hazlewood	Vick

## Nays—10

Corbin	Lock
Cousins	Martin
Hudson	McDonald
Kelley of Hidalgo	Moffett
Lane	Taylor

## Absent

Weinert

On motion of Senator Vick and by

unanimous consent, the caption was amended to conform with the body of the bill as amended.

C. S. S. B. No. 71 was then passed to engrossment.

**Committee Substitute**  
**Senate Bill 71 on Third Reading**

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—24

Aikin	Lane
Ashley	Lock
Bell	Moffett
Bullock	Moore
Carney	Morris
Colson	Phillips
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Tynan
Jones	Vick
Kelly of Tarrant	Weinert

## Nays—6

Bracewell	Martin
Hudson	McDonald
Kelley of Hidalgo	Taylor

## Absent

Corbin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—22

Aikin	Lane
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Tynan
Kelly of Tarrant	Vick

## Nays—8

Bracewell	Jones
Hudson	Kelley of Hidalgo

Lock  
Strauss

Taylor  
Weinert

Absent

Corbin

#### Message from the House

Hall of the House of Representatives,  
Austin, Texas,  
April 4, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bill:

The House has granted the request of the Senate for a Conference Committee on S. B. No. 69; the following have been appointed on the part of the House: Heflin, Reed, Lee, Abington, Etheredge.

H. B. No. 448, A bill to be entitled "An Act amending Senate Bill 326, Acts, 46th Legislature (1939), page 487, by adding thereto a new Section 5 pertaining to the National Guard Armory Board, by authorizing the Texas National Guard Armory Board to receive from the Adjutant General state-owned National Guard Camps and all land and improvements, buildings, facilities, installations, and personal property in connection therewith and administer the same or transfer it to the Board of Control for sale, or make proper disposal of such property otherwise when designated by the Adjutant General as 'surplus' and when directed by him as being in the best interest of the Texas National Guard, its successors or components; authorizing the Texas National Guard Armory Board and the Board of Control to remove, dismantle, and sever or authorize the removal, dismantling, and severance of any of said property to accomplish the above purposes; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

#### Committee to Arrange for Calendar of Local and Uncontested Bills

The President announced that if there was no objection, Senate Resolution No. 98, providing for a committee

to arrange for a calendar of local and uncontested bills would be amended to provide for a committee of five members in lieu of three as provided for in the resolution.

There was no objection offered.

Accordingly, the President announced the appointment of the following committee: Senators Lane, chairman, Harris, Hardeman, Martin and Tynan.

#### Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,  
April 4, 1949.

To the Members of the 51st  
Legislature:

For the current biennium, the Legislature appropriated \$27,323,052.00 to the eleemosynary institutions. Of this amount, \$3,563,000.00 was specifically earmarked for construction items leaving a balance of \$23,760,052.00 for salaries, food, clothing, medicine, utilities and the hundreds of other items necessary to care for the 21,898 feeble-minded, mentally ill, tuberculars, orphans, and other wards of the state during the two year period ending August 31, 1949.

To show exactly how much is available per person, by simple arithmetic we find that there was \$1,085.00 per patient or student for the two year period or \$543.00 per year or \$45.25 per month. If we take into consideration the eleemosynary employees to whom the state furnishes room, board and laundry, the amount available is reduced to \$34.00 per month per person.

Prices have increased considerably since September 1, 1947, and with a 15% increase in population additional funds are necessary.

Under authority of Section 5 of Article III of the Constitution of the State of Texas, I submit as emergency legislation the bill now pending, making an emergency appropriation to the eleemosynary institutions for the balance of this fiscal year.

Respectfully submitted,  
BEAUFORD H. JESTER,  
Governor of Texas.

**Committee Substitute Senate  
Joint Resolution 4 on Second  
Reading**

The President laid before the Senate as a special order for this hour on its second reading and passage to engrossment:

C. S. S. J. R. No. 4, Proposing an amendment to the Constitution of the State of Texas, by amending Section 19 of Article 16, so as to provide that the qualification of no person to serve as a juror on grand juries and on petit juries in civil cases, shall be denied or abridged on account of sex, and providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases; providing that existing provisions of the Constitution shall be construed in conformity herewith; providing for the submission of this amendment to a vote of the people of Texas; providing the time, means and manner thereof, and making an appropriation for such purpose.

The resolution was read the second time.

Senator Hardeman offered the following amendment to the resolution:

Amend C. S. for S. J. R. No. 4 by striking out of the caption the following:

"And providing that the Legislature may prescribe that only males are eligible on petit juries in criminal cases."

Question—Shall the amendment be adopted?

**Recess**

Senator Aikin moved that the Senate recess until 10:00 o'clock a.m. tomorrow.

Senator Bell moved that the Senate adjourn until 10:30 o'clock a.m. tomorrow.

Question first recurring on the motion of Senator Bell, yeas and nays were demanded.

The motion was lost by the following vote:

**Yeas—11**

Bell	Hardeman
Bracewell	Kelly of Tarrant
Cousins	Lane

Lock  
McDonald  
Taylor

Tynan  
Weinert

**Nays—20**

Aikin	Kelley of Hidalgo
Ashley	Martin
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Phillips
Harris	Proffer
Hazlewood	Shofner
Hudson	Strauss
Jones	Vick

Question then recurring on the motion of Senator Aikin, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—16**

Aikin	Lane
Ashley	Lock
Bracewell	McDonald
Bullock	Morris
Carney	Shofner
Cousins	Taylor
Hardeman	Tynan
Hudson	Weinert

**Nays—14**

Bell	Martin
Colson	Moffett
Corbin	Moore
Harris	Phillips
Hazlewood	Proffer
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Vick

**Absent**

Jones

The Senate accordingly at 3:30 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

**FORTY-FOURTH DAY**

(Continued)

(Tuesday, April 5, 1949)

**AFTER RECESS**

The Senate met at 10:00 o'clock a.m. and was called to order by the President.

**Reports of Standing Committees**

By unanimous consent, the following reports were submitted at this time:

Senator Jones submitted the following report: